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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92057024
Party	Defendant Cintron Beverage Group, LLC
Correspondence Address	CINTRON BEVERAGE GROUP LLC 7400 BREWSTER AVENUE PHILADELPHIA, PA 19153 UNITED STATES
Submission	Motion to Dismiss - Rule 12(b)
Filer's Name	Frank A. Reino
Filer's e-mail	freino@fisherzucker.com
Signature	/Frank A. Reino/
Date	05/17/2013
Attachments	Motion to dismiss.pdf(174097 bytes )

**UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

**NETTADOZ ENTERPRISES,**

**Petitioner,**

**v.**

**CINTRON BEVERAGE GROUP, LLC**

**Registrant.**

**Cancellation No. 92057024  
Mark: CINTRON 21 (word)  
Registration #: 3,410,949  
Registration Date April 8, 2008**

**Interlocutory Attorney:  
Jennifer Krisp**

**REGISTRANT CINTRON BEVERAGE GROUP, LLC'S MOTION TO DISMISS  
PETITIONER NETTADOZ ENTERPRISES' PETITION FOR CANCELLATION**

Registrant/Defendant Cintron Beverage Group, LLC ("CBG") hereby moves the Board to dismiss Nettadoz Enterprises' ("Nettadoz") Petition for Cancellation of CBG's CINTRON 21 trademark for a lack of standing under Fed. R. Civ. P. 12(b)(1) and Trademark Rule 2.116(a).

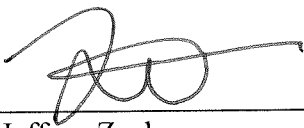
In support of this motion, CBG relies on and incorporates by reference the attached brief.

Respectfully submitted,

**FISHER ZUCKER LLC**

Dated: May 17, 2013

By: \_\_\_\_\_

  
Jeffrey Zucker  
Frank A. Reino  
21 South 21st Street  
Philadelphia, PA 19103  
Telephone: (215) 825-3100  
Facsimile: (215) 825-3101  
Attorneys for Registrant,  
Cintron Beverage Group, LLC

**UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

<div style="display: flex; justify-content: space-between;"><div style="width: 45%;">NETTADOZ ENTERPRISES,</div><div style="width: 5%; text-align: center;">)</div><div style="width: 50%;">CANCELLATION NO. 92057024</div></div> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;">Petitioner,</div><div style="width: 5%; text-align: center;">)</div><div style="width: 50%;">Mark: CINTRON 21 (word)</div></div> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;"></div><div style="width: 5%; text-align: center;">)</div><div style="width: 50%;">Registration #: 3,410,949</div></div> <div style="display: flex; justify-content: space-between;"><div style="width: 45%; text-align: center;">v.</div><div style="width: 5%; text-align: center;">)</div><div style="width: 50%;">Registration Date April 8, 2008</div></div> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;">CINTRON BEVERAGE GROUP, LLC</div><div style="width: 5%; text-align: center;">)</div><div style="width: 50%;">Interlocutory Attorney:</div></div> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;"></div><div style="width: 5%; text-align: center;">)</div><div style="width: 50%;">Jennifer Krisp</div></div> <div style="display: flex; justify-content: space-between;"><div style="width: 45%; text-align: center;">Registrant.</div><div style="width: 5%; text-align: center;">)</div><div style="width: 50%;"></div></div>	)	
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**REGISTRANT CINTRON BEVERAGE GROUP, LLC'S  
BRIEF IN SUPPORT OF ITS MOTION TO DISMISS**

**I. INTRODUCTION**

Petitioner Nettadoz Enterprises (“Nettadoz”) lacks standing to petition for cancellation of Cintron Beverage Group, LLC’s (“CBG”) trademark CINTRON 21 which has been registered on the principal register since April 8, 2008 at registration number 3,410,949. Nettadoz is a Nigerian corporation that allegedly utilizes the mark CINTRON with a variety of beverage products in Nigeria. Nettadoz alleges in support of its claim to standing only that it “wishes to expand its business operations into the United States.” A claim that one has a wish of entering the United States market in the future is not enough to establish standing.

Furthermore, Nettadoz has recently filed oppositions to CBG’s applications to register the CINTRON mark (stylized and word) (the “Oppositions”) but the Board dismissed those Oppositions holding Nettadoz did not have standing to maintain the Oppositions because Nettadoz did not have a reasonable belief of harm occurring in the United States.<sup>1</sup>

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<sup>1</sup> Nettadoz has filed a motion for reconsideration which is pending before the Board.

For the same reasons, Nettadoz does not have standing here. By simply alleging it “wishes” to enter the United States market, Nettadoz does not succeed in creating standing for itself. The fact of the matter is Nettadoz is a foreign entity, engaged in commerce in only foreign nations with no attempt or bona fide intent to sell or register the CINTRON marks in the United States. As a result, Nettadoz does not have standing to pursue the cancellation petition. Therefore, Nettadoz’s Petition should be dismissed.

## **II. FACTS**

CBG is a Delaware limited liability company with its principal place of business in Philadelphia, Pennsylvania and is in the business of developing, marketing, selling, and promoting energy drink products and other beverage products. (Petition at ¶ 6). Cintron manufactures its beverages in the United States using cans and bottles produced by a U.S. supplier and then ships the final products to its distributors across the globe for sale to end customers. Cintron began selling energy drinks under the CINTRON brand in the United States in 2006 and, in 2007, began selling teas and fruit beverages as well.

In July and August of 2006, respectively, Cintron filed trademark applications with the U.S. Patent and Trademark Office (“USPTO”) for CINTRON 21 (Registration No. 3,410,949) and CINTRON ENERGY ENHANCER (Registration No. 3,600,401), which registrations were granted on April 8, 2008 and March 31, 2009, respectively.

Nettadoz instituted this proceeding by filing a petition to cancel the CINTRON 21 mark (the “Petition”) on April 8, 2013. Nettadoz claims in its Petition to have used the CINTRON mark both as a word mark and stylized design with a variety of beverage products in Nigeria for several years. (Petition at ¶¶ 5, 7). Furthermore, Nettadoz claims to have used the CINTRON mark outside of Nigeria but does not claim it uses the mark in the United States. (*Id.* at ¶¶ 8-9).

Instead, Nettadoz claims it “wishes” to use the mark in conjunction with the sale of beverages in the United States. (Id. at ¶¶ 10-11).

### III. ARGUMENT

#### A. Standard of Review

Under Fed.R.Civ.P. 8, a cancellation petition must contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed.R.Civ.P. 8; 37 C.F.R. §2.104(a); Bell Atlantic Copr. V. Twombly, 550 U.S. 544, 555 (2007). When evaluating a motion to dismiss, the Board should evaluate the claim by accepting all allegations in the Petition as true, viewing them in the light most favorable to the petitioner, and determining whether they state a claim as a matter of law. Twombly, 550 U.S. at 555. The allegations must be detailed enough to raise the right to relief above the speculative level. Id.

Section 14 of the Lanham Act provides that a petition to cancel a trademark may be filed by any person “who believes he is or will be damaged by the registration of a mark . . .” 15 U.S.C. § 1064. To establish standing a party is required to show: (1) a “real interest” in the outcome; and (2) a reasonable basis for belief that the challenged trademark has caused or will cause damage to the petitioner. Lipton Industries, Inc. v. Ralston Purina Co., 670 F.2d 1024, 1028-29 (Fed. Cir. 1982). The purpose of requiring standing is to prevent litigation where there is no real controversy between the parties, where the petitioner is a mere intermeddler. Id.

#### B. **Nettadoz does not have standing to seek cancellation of the CINTRON 21 mark because Nettadoz does not have a “real interest” in the outcome and will not suffer harm in the United States as a result of the mark’s registration.**

Nettadoz cannot point to a “real interest” in the outcome or a harm that bears some connection to the United States. See e.g., Corporacion Habanos, S.A. v. Rodriguez, 99 U.S.P.Q.2d 1873 (TTAB 2011) (notwithstanding strictures of the Cuban embargo, Cuban

plaintiff found to have alleged standing based on allegations of a harm occurring in the United States through plaintiff's advertisement of its goods in the United States and resulting United States consumer deception); Fiat Group Automobiles S.P.A. v. ISM, Inc., 94 U.S.P.Q.2d 1111 (TTAB 2010) (foreign plaintiff that did not allege ownership of a United States registration or any use of the mark in the United States nonetheless found to have a basis for pleading its standing based on plaintiff's Section 66(a) application in the United States that was provisionally refused in view of defendant's United States application). Nettadoz is a Nigerian business that alleges to utilize a CINTRON mark in Nigeria and outside of Nigeria. Petition at ¶¶ 5, 8-9. Nettadoz, however, does not allege it uses the mark in the United States or that it has applied to register the mark in the United States.

Instead, Nettadoz vaguely claims that it "wishes" to use the mark CINTRON in the United States in conjunction with beverage products. Id. at ¶¶ 10-11. Although filing an application to register a trademark on "intent to use" basis pursuant to Section 1(b) of the Lanham Act coupled with a bona fide intent to use the mark has been held to establish standing, Nettadoz's allegation that it "wishes" to use the mark is not sufficient to establish Nettadoz's standing. See The Hartwell Co. v. Shane, 17 U.S.P.Q.2d 1569 (TTAB 1990); Report of the Trademark Review Commission, 77 Trademark Rep. 375, 397 (1987), USTA, "The Trademark Law Rev. Act of 1988," p. 37 (1989) (stating a "bona fide" intent to use a mark does not mean "mere hope, but an intention that is firm though it may be contingent on the outcome of an event—e.g. product testing or market research.") Here Nettadoz's wish to use the mark amounts to nothing more than mere hope that it will someday have reason to use the mark in the United States. This is pure speculation that surely does not establish Nettadoz's standing to seek

cancellation of CBG's CINTRON 21 trademark. See Twombly, 550 U.S. at 555. The Petition does not allege any facts to show a bona fide intent to do so now or in the immediate future.

If Nettadoz intends to use the CINTRON mark in the United States, Nettadoz should first file an application seeking to register the CINTRON mark or, at least allege that it intends to file the application in the immediate future and that it believes CBG's registration will be a reason to reject the application. See American Vitamin Products, Inc. v. Dowbrands, Inc., 22 U.S.P.Q.2d 1313 (TTAB 1992) (holding petitioner established its bone fide intention to use the mark to give it standing to petition for cancellation of respondent's mark). Here, Nettadoz does not state that it will seek to register the mark or that it believes registration of the mark will be refused because of CBG's CINTRON 21 mark. Without more than mere hope, Nettadoz cannot establish standing, and the Petition should be dismissed.

The fact of the matter is Nettadoz has no desire to use the mark in the United States. It admitted as much recently in opposition to CBG's CINTRON trademark applications in Opposition Nos. 91200692 and 91200807. See Board's Decision<sup>2</sup> at p. 6-7. There, Nettadoz claimed that it has not attempted to register the CINTRON trademark, it has not made any effort to use the mark in the United States and that it did not intend to use the mark in the United States. Id. Instead, Nettadoz claimed it has standing because: (1) it did business with third parties that intend to use the mark in the United States; and (2) CBG is a competitor and uses its United States trademark rights around the globe to claim rights in foreign jurisdiction. Id. at pp.2-4. The Board rightfully dismissed with prejudice Nettadoz's Oppositions because Nettadoz cannot point to any reasonable belief of harm that is occurring or may occur to Nettadoz in the

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<sup>2</sup> The Board's Decision (the "Decision") dated March 29, 2013 is attached hereto as Exhibit "A." Nettadoz has filed a motion for reconsideration.

United States. Id. at p. 9-10. The Board should do the same here, and dismiss the Petition with prejudice.

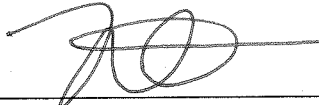
The Petition's allegations do not support Nettadoz's claim to standing. Nettadoz has no real interest in the outcome and cannot allege a reasonable belief of harm related to the United States. As a result, Nettadoz does not have standing to seek cancellation of CBG's CINTRON 21 mark. Therefore, Nettadoz's Petition should be dismissed.

**IV. CONCLUSION**

For the foregoing reasons, Nettadoz's Petition should be dismissed with prejudice.

Respectfully submitted,

**FISHER ZUCKER LLC**

By:   
Jeffrey Zucker  
Frank A. Reino  
21 South 21st Street  
Philadelphia, PA 19103  
Telephone: (215) 825-3100  
Facsimile: (215) 825-3101  
Attorneys for Registrant,  
Cintron Beverage Group, LLC

Dated: May 17, 2013



# **EXHIBIT A**

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

RK

Mailed: March 29, 2013

Opposition Nos. 91200692 (parent)  
91200807

Nettadoz Enterprises

v.

Cintron Beverage Group, LLC

Before Quinn, Kuhlke and Mermelstein,  
Administrative Trademark Judges

By the Board:

By the Board's institution orders of July 14, 2011 (parent), and July 20, 2011 (child), discovery closed on March 20, 2012, and March 26, 2012, respectively, and opposer's pretrial disclosures were due on May 4, 2012, and May 10, 2012, respectively. On May 4, 2012, applicant filed a motion for summary judgment on the issue of standing and further sought consolidation of the two proceedings. Proceedings herein were consolidated and further suspended on May 18, 2012, pending disposition of the motion for summary judgment.

On June 4, 2012, opposer filed a response to applicant's motion and further cross-moved for partial

Opposition Nos. 91200692 (parent) and 91200807

summary judgment on the issue of standing.<sup>1</sup> Opposer concurrently filed a motion for leave to use testimony from another proceeding as evidence in support of its cross-motion.<sup>2</sup> Applicant's motion and opposer's cross-motion are fully briefed.

### Background

Opposer Nettadoz Enterprises filed notices of opposition against application Serial Nos. 77807941<sup>3</sup> and 77807946<sup>4</sup> for the mark CINTRON based on claims of fraud, and primarily merely a surname under Section 2(e)(4) of the Trademark Act.<sup>5</sup>

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<sup>1</sup> Opposer's response and cross-motion, including the exhibits thereto, lack a certificate of service as required under Trademark Rule 2.119. As applicant has responded to the motion and has not raised any service-related objections, we have considered the filing.

<sup>2</sup> Again, opposer has failed to include a certificate of service as required under Trademark Rule 2.119. To the extent that the testimony was included as Exhibit 25 to opposer's response and cross-motion and applicant has not raised any objection thereto, the motion is moot.

<sup>3</sup> Filed August 19, 2009, for CINTRON in standard characters for "tea-based beverages" in International Class 30 and "energy drinks, sports drinks, fruit flavored beverages" in International Class 32. Applicant has claimed ownership of Registration Nos. 3410949 (for CINTRON 21) and 3600401 (for CINTRON ENERGY ENHANCER) and has claimed acquired distinctiveness under Section 2(f).

<sup>4</sup> Filed August 19, 2009, for CINTRON in stylized form for "tea-based beverages" in International Class 30 and "energy drinks, sports drinks, fruit flavored beverages" in International Class 32. Applicant has claimed ownership of Registration Nos. 3410949 (for CINTRON 21) and 3600401 (for CINTRON ENERGY ENHANCER) and has claimed acquired distinctiveness under Section 2(f).

<sup>5</sup> As originally filed, the notice of opposition in the parent proceeding only set forth a surname claim. Opposer subsequently amended the notice of opposition as a matter of course on August 3, 2011, to also include a claim of fraud. See Fed. R. Civ. P. 15(a)(1)(A).

Opposition Nos. 91200692 (parent) and 91200807

In its pleadings, opposer has alleged that it is a Nigerian business that has used the CINTRON mark in connection with beverage products in Nigeria, that it has applied to register the mark in Nigeria,<sup>6</sup> that opposer and its "trading partners" have used the mark elsewhere in Africa, that opposer's "trading partners" have filed applications to register the mark in Africa and the United States, and that applicant was aware of these activities yet failed to mention them to the USPTO during prosecution of applicant's applications.

Following discovery, applicant now seeks summary judgment on the issue of opposer's standing, arguing that because opposer has admitted that "(1) it has not attempted to register the marks at issue in the United States; (2) it has not used the marks in the United States; and (3) it has no intent to use the marks in the United States," opposer "has no real interest in this or any proceeding before the U.S. Patent and Trademark Office, will not be damaged by the registration of the trademarks at issue, and therefore lacks standing to assert [these] Oppositions." *Applicant's Motion for Summary Judgment*, pp. 1-2.

For its part, opposer contends that it has standing to oppose because it is a competitor of applicant and will be

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<sup>6</sup> The mark has since registered in Nigeria as of November 9, 2011. *Opposer's Response and Cross-Motion* (hereafter "Cross-Motion"), Ex. 34.

Opposition Nos. 91200692 (parent) and 91200807

damaged to the extent that the grant of a U.S. registration to applicant will provide applicant with more leverage to impede applicant's expansion "in Africa and elsewhere" and will serve to block third parties "from entering the US market, preventing the possibility of [opposer] entering into a business relationship with such an entity to access the US market indirectly in the future" and that opposer "would be forever barred from entering the US market in the future."

*Cross-Motion*, pp. 2, 4-5.

Opposer further contends that since "the instant oppositions are not based on § 2(d) [,] ownership of competing US rights or use of a competing US mark is not required to establish standing under §§ 2(a), 2(b), 2(c), or 2(e) [or] on the basis of fraud." *Id.*, pp. 2-3.

#### Discussion

A motion for summary judgment is a pretrial device intended to save the time and expense of a full trial when the moving party is able to demonstrate, prior to trial, that there is no genuine dispute of material fact, and that it is entitled to judgment as a matter of law. See Fed. R. Civ. P. 56(a); *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986); *Opryland USA Inc. v. Great American Music Show Inc.*, 970 F.2d 847, 23 USPQ2d 1471 (Fed. Cir. 1992); and *Sweats Fashions Inc. v. Pannill Knitting Co. Inc.*, 833 F.2d 1560, 4 USPQ2d 1793 (Fed. Cir. 1987). The evidence must be viewed in a

Opposition Nos. 91200692 (parent) and 91200807

light most favorable to the non-moving party, and all reasonable inferences are to be drawn in the non-movant's favor. *Lloyd's Food Products, Inc. v. Eli's, Inc.*, 987 F.2d 766, 25 USPQ2d 2027, 2029 (Fed. Cir. 1993); *Opryland USA*, *supra*. That each party has requested entry of judgment in its favor does not dictate a finding that there is no genuine dispute of material fact and that entry of summary judgment is warranted. *University Book Store v. University of Wisconsin Board of Regents*, 33 USPQ2d 1385, 1389 (TTAB 1994). Only if there are no disputes of fact to be decided will a determination be made as to which party is entitled to prevail under the applicable law.

Turning then to the question of standing, it is a threshold issue that must be proven by a plaintiff in every *inter partes* case so as to prevent litigation when there is no real controversy between the parties. See *Ritchie v. Simpson*, 170 F.3d 1092, 50 USPQ2d 1023 (Fed. Cir. 1999); and *Lipton Industries, Inc. v. Ralston Purina Co.*, 670 F.2d 1024, 213 USPQ 185 (CCPA 1982). To establish standing, the plaintiff must demonstrate that it has a "real interest," i.e., a direct and personal stake, in the outcome of the proceeding and a reasonable basis for its belief of damage. *Ritchie*, 50 USPQ2d at 1025-26.

The Trademark Trial and Appeal Board is an administrative tribunal of the United States Patent and

Opposition Nos. 91200692 (parent) and 91200807

Trademark Office, empowered to determine only the right to register in the United States. See Trademark Act § 17. Therefore, when considering the question of standing in a Board proceeding, the plaintiff must demonstrate a "real interest" that bears some connection to the United States. See, e.g., *Corporacion Habanos, S.A. v. Rodriguez*, 99 USPQ2d 1873 (TTAB 2011) (notwithstanding strictures of Cuban embargo, Cuban plaintiffs found to have alleged standing based on allegations of advertising its goods in the United States and "United States consumer deception"); and *Fiat Group Automobiles S.p.A. v. ISM, Inc.*, 94 USPQ2d 1111 (TTAB 2010) (foreign plaintiff that did not allege ownership of a United States registration or any use of the mark in the United States nonetheless found to have a basis for pleading its standing based on plaintiff's Section 66(a) application in the United States that was provisionally refused in view of defendant's United States application).

In reviewing the record, opposer has explicitly indicated "that it has not attempted to register the CINTRON mark in the United States,"<sup>7</sup> "that as of April 30, 2012, Opposer has not made any use of the CINTRON mark ... in the

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<sup>7</sup> Applicant's Motion for Summary Judgment, Ex. F - Opposer's Response to Applicant's First Set of Requests for Admission, Response to Request for Admission No. 4.

Opposition Nos. 91200692 (parent) and 91200807

United States,"<sup>8</sup> and that "[a]s of April 30, 2012, Opposer has no intention of utilizing Opposer's Marks in the U.S."<sup>9</sup> In view thereof, we find that opposer does not have standing in these proceedings.

While it is true that a proprietary right in the marks in the United States is not a requisite to standing to raise claims based on fraud and Section 2(e), *see Corporacion Habanos, S.A.*, 99 USPQ2d at 1875 (TTAB 2011), that is not to say that a foreign plaintiff can establish standing based solely on its foreign rights without any claim or interest related to the U.S. market. Opposer's attempts to explain or establish a connection to the United States and, thus, its "real interest," are not persuasive and simply underscore the speculative nature of opposer's standing to proceed with its claims. For instance, opposer's allegations concerning its "trading partners" and "business partners" who have filed applications to register the mark in the United States do not demonstrate a "direct and personal" interest on the part of opposer. Indeed, there is nothing in the record to suggest that these "partners" are anything more than independent third parties. Even under the Board's liberal standing

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<sup>8</sup> Applicant's Motion for Summary Judgment, Ex. G - Opposer's Supplemental Discovery Responses, Supplemental Response to Request to Admit 1.

<sup>9</sup> Applicant's Motion for Summary Judgment, Ex. G - Opposer's Supplemental Discovery Responses, Supplemental Response to Interrogatory 11.



Opposition Nos. 91200692 (parent) and 91200807

rules, a party cannot gain standing by asserting the rights of unrelated third parties. See *Colony Foods, Inc. v. Sagemark, Ltd.*, 735 F.2d 1336, 222 USPQ 185 (Fed. Cir. 1984) (possible rights of third party does not give plaintiff standing to cancel defendant's registration).

Furthermore, opposer's contentions that it may potentially enter into a business relationship with a third party that has applied to register identical marks in the U.S. should the involved applications be successfully opposed, and that such a potential relationship may be foreclosed should the applications be allowed to register, demonstrate neither an interest that is real nor a belief of damage that is reasonable. To find standing under such indirect and inchoate circumstances would permit **any** entity to establish standing by simply referencing a third party that has standing and reciting a future possibility of a business relationship with that entity. The threshold for standing may be low but it is not non-existent.

As to opposer's claim that it is a competitor of applicant in Nigeria, opposer has failed to demonstrate, let alone articulate, how such a claim, taken as true, bestows opposer with standing to oppose applicant's applications for the marks in the United States, particularly where opposer has expressly indicated that it has no intention of using the marks in the United States. That there may be a future

Opposition Nos. 91200692 (parent) and 91200807

possibility of using the marks or even applying for registrations in the United States should the involved applications not register is not a sufficient basis for standing. Cf. *International Telephone and Telegraph Corp. v. International Mobile Machines Corp.*, 218 USPQ 1024, 1027 (TTAB 1983) ("an allegation that a party believes that an existing registration will present a bar to the registration of its own mark is not ... sufficient to serve as a reasonable basis for a belief that it is or will be damaged by the continued existence of the registration where no such refusal to register has in fact been made.").

Finally, opposer's claim that it has standing by virtue of applicant's assertion, via an affirmative defense, that opposer is a distributor or subdistributor of applicant is not well-taken as the claim has not been established by any evidence. Indeed, it is not clear how opposer can claim a direct and personal stake and/or a reasonable belief in damage based on an allegation that opposer itself clearly believes to be false.

#### Decision

In view thereof, we find that there is no genuine dispute of material fact concerning opposer's standing. Accordingly, applicant's motion for summary judgment is hereby **GRANTED** and opposer's cross-motion for partial summary judgment is hereby **DENIED**.

Opposition Nos. 91200692 (parent) and 91200807

The oppositions herein are **DISMISSED with prejudice** and the involved applications will proceed to registration in due course.

\* \* \*

**UNITED STATES PATENT AND TRADEMARK OFFICE  
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**NETTADOZ ENTERPRISES,**

**Petitioner,**

**v.**

**CINTRON BEVERAGE GROUP, LLC**

**Registrant.**

**Cancellation No. 92057024  
Mark: CINTRON 21 (word)  
Registration #: 3,410,949  
Registration Date April 8, 2008**


**Interlocutory Attorney:  
Jennifer Krisp**

**CERTIFICATE OF SERVICE**

I, Frank A. Reino, certify that on this date, I served a true and correct copy of the Opposition to Nettadoz Enterprises' Motion for Reconsideration, via first class mail, postage prepaid on counsel for Petitioner at the following address:

Christopher J. Falkowski  
Falkowski PLLC  
50064 Drakes Bay Drive  
Novi, MI 48374

Dated: May 17, 2013

  
\_\_\_\_\_  
Frank A. Reino